

BILL # HB 2449

SPONSOR: JP Weiers

PREPARED BY: Martin Lorenzo

TITLE: mandatory fingerprinting; central state repository
(NOW: mandatory fingerprinting; central state repository)

STATUS: As Amended by House JUD

FISCAL ANALYSIS

Description

As amended, HB 2449 would require an individual arrested for a misdemeanor or petty offense that relates to domestic violence, sexual offenses, or driving under the influence (DUI), to provide a right index fingerprint to the arresting law enforcement agency prior to their release. In addition, upon arrest or summons, an individual arrested or charged with the above offenses must be provided a mandatory fingerprint compliance form with information on reporting for ten-print fingerprinting. Lastly, the bill specifies what actions; 1) law enforcement entities and arrestees must take after they have received the ten-print fingerprints, and 2) the court may take, including remanding the defendant into custody, if the individual fails to provide a completed mandatory fingerprint compliance form. The bill is effective from and after December 31, 2009.

Estimated Impact

Based on estimates provided by the Department of Public Safety (DPS), the bill is anticipated to result in a cost of approximately \$8,500 annually as a result of developing and supplying the mandatory fingerprint compliance forms and purchasing fingerprint supplies to provide to officers.

Analysis

Currently, A.R.S. § 13-3903 permits a law enforcement officer who arrests an individual for a misdemeanor or petty offense to release the arrestee from custody in lieu of taking the individual to the police station. The officer may, however, prepare a written notice to appear and complaint, which must be signed by the arrestee, which contains the individuals name, address, charged offense, and the time and place where the person shall appear in court. This practice is commonly referred to “cite-and-release”. The bill, however, would amend A.R.S. § 13-3903 to require the arresting officer to obtain a right index fingerprint from the arrested individual if the charge is a misdemeanor or petty offense that relates to domestic violence, sexual offenses, or DUI. In addition, the officer would be required to provide a mandatory fingerprint compliance form with information on reporting for ten-print fingerprinting.

Since 2004, DPS indicates they have recorded, on average, 3,000 “cite-and-release” encounters related to DUI throughout the state annually. As a result, the bill would require DPS to purchase fingerprint supply kits for its officers, as well as develop and supply a mandatory fingerprint compliance form to each arrestee. The annual cost for these items is estimated to be approximately \$8,500. There is not anticipated to be any additional costs resulting from the ten-print fingerprint; however, as A.R.S. § 41-1750 currently requires fingerprinting for felony, domestic violence, sexual, and DUI offenses (just not prior to release if it is a “cite-and-release” case).

Local Government Impact

As indicated above, local law enforcement agencies may incur costs associated with HB 2449 since local law enforcement officers would be required to obtain a right index fingerprint from individuals arrested for misdemeanor or petty offenses related to domestic violence, sexual offenses, or DUI. While a specific fiscal impact is not available at this time, anecdotal information suggests the impact may be approximately \$5.00 for every officer who receives a fingerprint kit. In addition, some entities, including the Chandler Police Department and the Tucson Police Department appear to have already implemented such a practice for these types of “cite-and-release” cases.